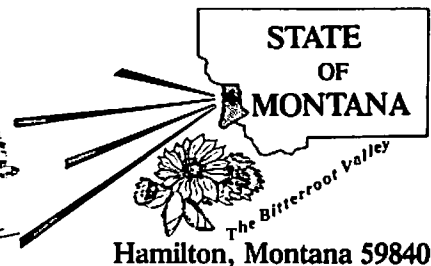
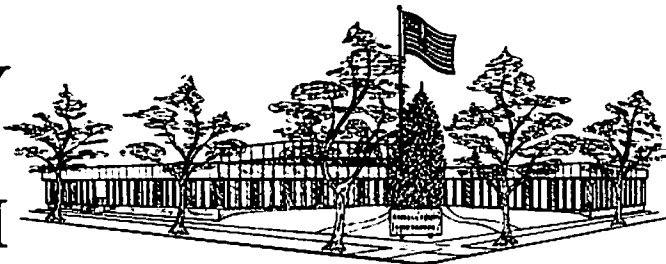


# COUNTY OF RAVALLI



Ravalli County Commissioners  
215 South 4<sup>th</sup> Street, Suite A  
Hamilton, MT 59840  
406.375.6500

OG-08-07-

August 1, 2007

Donald L Chapman  
1111 Bear Creek Trail  
Victor, MT 59875

Re: Appeal of the Denial of Subdivision Exemption Application (SEA-07-75)  
Property Description: P #856045 / Index 45 In Section 9, T7N, R21W/ CS  
#530387-F  
Parcel 7B)

Dear Mr. Chapman:

On August 1, 2007, the Board of Ravalli County Commissioners (BCC) heard your appeal to the denial of your proposed family transfer subdivision exemption (SEA-07-75). Upon hearing your testimony regarding the history of transactions on the parent parcel, the particular reasons for wanting this family transfer, and your offer to withdraw your other family transfer request in an effort to avoid creating multiple transferrable remainder parcels, we determined that the proposal was not made in an attempt to evade the Montana Subdivision and Platting Act. Your appeal is hereby granted. The BCC approval is contingent upon your offer to voluntarily withdraw SEA-07-77. The approved exemption of SEA-07-75 may be used on the above noted parcel for a family transfer to your daughter, Tammy Chapman Gates, with a remainder parcel, as depicted on your application.

Please take notice that the County Subdivision Regulations 4-5-2 (e) state "The transfer or potential sale of the gifted tract created by the family gift or sale exemption within three years of creation of the tract will result in the presumption that the use of the exemption was adopted for the purposes of evading the MSPA and the recordation of the instrument of conveyance of a parcel created by family gift or sale within three years of creation may be subject to refusal of the Clerk and Recorder." In addition, MCA 76-3-207 (1)(b) states family transfers are "divisions made outside of platted subdivisions for

the purpose of a single gift or sale in each county to each member of the landowner's immediate family." MCA 76-3-103 (8) "'Immediate family' means a spouse, children by blood or adoption, and parents". Once a parcel is transferred to a family member, that person cannot receive another parcel in Ravalli County through the family transfer exemption.

**IMPORTANT NOTICE REGARDING SUBDIVISION EXEMPTIONS:** A determination by Ravalli County that a proposal is exempt from subdivision review does not constitute a substantive review of the proposal. The lots created or altered by exemption might not have legal or physical access, might not be eligible for a County road access permit, might not be able to use previous private access easements, might not be eligible for County well or wastewater treatment (septic system) permits, might not have access to utilities, and might not have any usable building site or beneficial economic use or value at all.

To complete the process of filing the survey in Ravalli County, you will need to do the following:

- Work with a professional land surveyor to complete a survey, the certificate of survey that uses this exemption to create a parcel for conveyance to a family member must show the name of the grantee, relationship to the landowner, the parcel to be conveyed under this exemption, and the landowner's certification of compliance [ARM 24.183.1104(1)(f)]. The landowner must provide evidence of the familial relationship between the proposed grantor and grantee.
- Work with the Ravalli County Environmental Health Department (375-6565) for instruction relative to the Department of Environmental Quality (DEQ) procedures for review of the lots (referred to as a Certificate of Subdivision Plat Approval) and/or provide a letter of approval from the Ravalli County Environmental Health Department for the exemption from DEQ review quoted or used on this survey.
- Research the property for covenants and zoning to guarantee that the proposed transfers meet those restrictions, if such restrictions exist.
- Pay all property taxes that have been assessed and levied on the land. (Note: If you submit your survey for filing after the tax notices have been mailed out, you will be required to pay the entire year's taxes.)

When you're ready to file the survey, please bring the following to the Clerk and Recorder's Office:

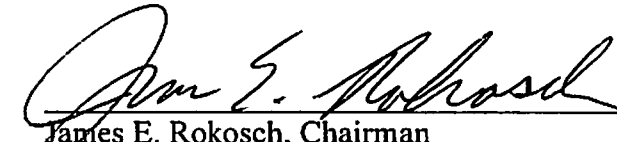
- The original of this letter.
- A copy of the "Notarized Request for Family Transfer Form" (Original is at the Planning Department).
- The appropriate recording fees.
- The survey (one paper copy, two mylar copies and a digital file of the survey).
- The original copy of the Certificate of Subdivision Plat Approval from the Montana Department of Environmental Quality (DEQ) and/or provide a letter of approval from Ravalli County Environmental Health Department for the exemption(s) from DEQ review quoted on the survey.

- A deed which transfers one parcel to your husband and the appropriate recording fee.

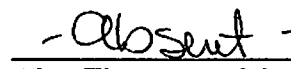
This approval must be utilized within one year of the above date, unless you specifically request in writing a one-year extension. If you have questions about this letter, please feel free to contact the Ravalli County Planning Department.


Sincerely,

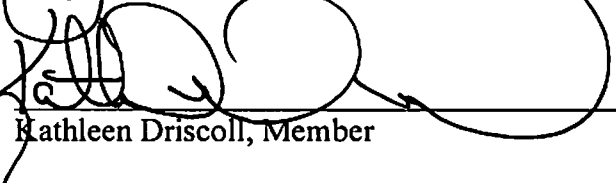
RAVALLI COUNTY BOARD OF COUNTY COMMISSIONERS

  
James E. Rokosch, Chairman

  
Carlotta Grandstaff, Member

  
Alan Thompson, Member

  
Greg Chilcott, Member

  
Kathleen Driscoll, Member

CC: Project File – Subdivision Exemption Application (SEA – 07-75 & SEA – 07-77)  
Ravalli County Environmental Health Department  
Ravalli County Clerk & Recorder  
Applebury Survey, 914 U.S. Highway 93, Victor, MT 59875